

COMMITTEE REPORT

MR. PRESIDENT:

The Senate Committee on Legislative Apportionment and Elections, to which was referred House Bill No. 1195, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

- 1 Page 1, line 3, delete "Sec. 50.1." and insert "**Sec. 50.1.**".
- 2 Page 1, line 3, delete "any of".
- 3 Page 1, delete line 4.
- 4 Page 1, line 5, delete "(1) The" and insert "**the**".
- 5 Page 1, run in lines 3 through 5.
- 6 Page 1, delete lines 7 through 10, begin a new paragraph and insert:
- 7 "SECTION 2. IC 3-6-4.1-14 IS AMENDED TO READ AS
- 8 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 14. (a) In addition to
- 9 other duties prescribed by law, the commission shall do the following:
- 10 (1) Administer Indiana election laws.
- 11 (2) Adopt rules under IC 4-22-2 to do the following:
- 12 (A) Govern the fair, legal, and orderly conduct of elections,
- 13 including the following:
- 14 (i) Emergency rules described in section 16 of this chapter
- 15 to implement a court order requiring the commission, the
- 16 election division, or an election board or official to
- 17 administer an election in a manner not authorized by this
- 18 title.
- 19 (ii) Rules (including joint rules with other agencies when

- 1 necessary) to implement and administer NVRA.
- 2 (B) Carry out IC 3-9 (campaign finance).
- 3 (C) Govern the establishment of precincts under IC 3-11-1.5.
- 4 (D) Specify procedures and fees for the processing of an
- 5 application from a vendor for voting systems approval and
- 6 testing.
- 7 (E) Prescribe formats for the storage and submission of
- 8 computerized voter registration records by county and state
- 9 agencies or offices.
- 10 (3) Prescribe a uniform set of election and registration forms for
- 11 use throughout Indiana, except when prescribed by this title.
- 12 (4) Advise and exercise supervision over local election and
- 13 registration officers.
- 14 **(5) Investigate and take appropriate action on petitions filed**
- 15 **under IC 3-11-2-17.**
- 16 (b) This section does not divest a county election board of any
- 17 powers and duties imposed on the board in IC 3-6-5, except that if
- 18 there is a deadlock on a county election board, the county election
- 19 board shall submit the question to the commission for final
- 20 determination."
- 21 Page 3, line 12, delete "person's" and insert "person's".
- 22 Page 3, delete lines 18 through 42.
- 23 Delete page 4.
- 24 Page 5, delete lines 1 through 5, begin a new paragraph and insert:
- 25 "SECTION 6. IC 3-8-6-10, AS AMENDED BY P.L.176-1999,
- 26 SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 27 JULY 1, 2001]: Sec. 10. (a) Except as provided in section 11 of this
- 28 chapter, a petition of nomination must be submitted to the county voter
- 29 registration office of each county in which the election district is
- 30 located.
- 31 (b) The petition must be filed during the period beginning January
- 32 1 of the year in which the election will be held and ending at noon ~~July~~
- 33 **15 June 30** before the election.
- 34 (c) The county voter registration office shall certify and file a
- 35 petition that complies with the requirements of this chapter with the
- 36 public official authorized to place names on the ballot (and with the
- 37 town clerk-treasurer, if the petition of nomination is for a town office)
- 38 **by not later than noon August 1, July 15.** Following certification of

a petition under this section, the office may, upon the request of a candidate named in the petition, return the original petition to the candidate for filing with the appropriate official in accordance with this subsection.

(d) During a year in which a federal decennial census, federal special census, special tabulation, or corrected population count becomes effective under IC 1-1-3.5, a petition of nomination may be filed for an office that will appear on the primary election ballot that year as a result of the new tabulation of population or corrected population count.

SECTION 7. IC 3-8-6-13.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 13.5. A candidate may withdraw a petition of nomination by noon:

- (1) ~~August 1~~ **July 15** before a general or municipal election; or
- (2) forty-five (45) days before a special election.

SECTION 8. IC 3-8-7-8, AS AMENDED BY P.L.202-1999, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 8. (a) Either the chairman and secretary of a state convention or the state chairman and state secretary of the political party holding the state convention shall certify each candidate nominated at the convention to the secretary of state ~~by not later than noon August 1~~ **July 15** before the general election.

(b) The ~~certification~~ **certificate** must state the following:

- (1) Whether each candidate nominated by the convention has complied with IC 3-9-1-5 by filing a campaign finance statement of organization.
- (2) That the candidate:
 - (A) is aware of the provisions of IC 3-9 regarding campaign finance and the reporting of campaign contributions and expenditures; and
 - (B) agrees to comply with the provisions of IC 3-9.

The candidate must separately sign the statement required by this subdivision.

(c) The commission shall prescribe the form of the ~~certification~~ **certificate** of nomination for the offices. The commission shall provide that the form of the ~~certification~~ **certificate** of nomination include the following information near the separate signature required by subsection (b)(2):

(1) The dates for filing campaign finance reports under IC 3-9.

(2) The penalties for late filing of campaign finance reports under IC 3-9.

(d) A certificate of nomination must include a statement that the candidate requests the name on the candidate's voter registration record be the same as the name the candidate uses on the certificate of nomination. If there is a difference between the name on the candidate's certificate of nomination and the name on the candidate's voter registration record, the officer with whom the certificate of nomination is filed shall forward the information to the voter registration officer of the appropriate county as required by IC 3-5-7-6(e). The voter registration officer of the appropriate county shall change the name on the candidate's voter registration record to be the same as the name on the candidate's certificate of nomination.

SECTION 9. IC 3-8-7-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 14. A certificate of nomination required to be filed with the election division or circuit court clerk shall be filed ~~no not~~ later than noon ~~August 1~~ **July 15** before the date fixed for the election of the person nominated.

SECTION 10. IC 3-8-7-21, AS AMENDED BY P.L.38-1999, SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 21. (a) If a person has been nominated by two (2) or more political parties, or as an independent candidate and as the nominee of at least one (1) political party, the person must elect which of the nominations the person will accept.

(b) The election must be in writing, signed, acknowledged before an officer authorized to take acknowledgments, and filed in the office where a declaration of candidacy must be filed for the office under IC 3-8-2 or where a certificate of nomination by a convention must be filed under this chapter by noon ~~August 1~~ **July 15** before the election."

Page 7, line 4, delete "numbers" and insert "**number**".

Page 7, line 13, delete "[EFFECTIVE JULY 1, 2001]" and insert "[EFFECTIVE UPON PASSAGE]".

Page 7, line 17, after "IC 3-11-3-31" delete "," and insert "**or affidavits received by the county election board under IC 3-14-5-2 for delivery to the foreman of a grand jury,**".

Page 7, line 18, strike "carefully preserve" and insert "**seal**".

Page 7, line 19, strike "and keep all seals intact" and insert "**during**".

the time allowed to file a verified petition or cross-petition for a recount of votes or to contest the election. Except as provided in subsection (c), after the recount or contest filing period, the election material (except for ballots, which shall remain confidential) shall be made available for copying and inspection under IC 5-14-3. The circuit court clerk shall carefully preserve the sealed ballots and other material".

Page 7, line 20, strike "they may be destroyed" and insert "**the sealed ballots and other material are subject to IC 5-15-6**".

Page 7, between lines 23 and 24, begin a new paragraph and insert:

"(c) If a petition for a recount or contest is filed, the material for that election shall remain confidential until completion of the recount or contest."

Page 7, line 24, strike "(c)" and insert "**(d)**".

Page 7, line 24, strike "circuit court clerk or board of" and insert "**county voter**".

Page 7, line 25, after "registration" insert "**office**".

Page 7, line 28, strike "or".

Page 7, line 30, after "IC 3-7-42;" insert "**or**

(3) a change of name performed under IC 3-7-41;".

Page 7, line 31, strike "clerk or board" and insert "**county voter registration office**".

Page 7, line 36, strike "resealed and".

Page 7, line 37, after "materials" insert "**in the manner prescribed by subsection (b) and**".

Page 7, line 37, strike "subsection" and insert "**subsections**".

Page 7, line 37, after "(b)", delete "." and insert "**and (c)**".

Page 7, between line 37 and 38, begin a new paragraph and insert:

"(e) This subsection does not apply to ballots. Notwithstanding subsection (b), if a county voter registration office determines that the inspection and copying of precinct election material would reveal the political parties, candidates, and public questions for which an individual cast an absentee ballot, the county voter registration office shall keep confidential only that part of the election material necessary to protect the secrecy of the voter's ballot."

Page 7, line 38, strike "(d)" and insert "**(f)**".

Page 7, line 38 after "(b)" delete "," and insert "**or (c)**".

1 Page 7, between lines 41 and 42, begin a new paragraph and insert:
2 "SECTION 15. IC 3-11-2-5 IS AMENDED TO READ AS
3 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 5. The nominees of a
4 political party or group of petitioners shall be listed on the ballots **in**
5 **type with uniform capital letters and with uniform space between**
6 **each name** under the name and device of the party or petitioners as
7 designated by them in their certificate or petition, or if none is
8 designated, then under some suitable name and device. If the same
9 device for designating candidates is selected by two (2) parties or
10 groups of petitioners, it shall be given to the one (1) that first selected
11 it, and a suitable device shall be selected for the other party or group of
12 petitioners.

13 SECTION 16. IC 3-11-2-17 IS ADDED TO THE INDIANA CODE
14 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
15 1, 2001]: Sec. 17. (a) **If a member of the county election board has**
16 **a reasonable belief based on verifiable information that an election**
17 **ballot for the member's county does not comply with the**
18 **requirements of this chapter or is not in the form required by law,**
19 **the member may file a petition with the commission protesting the**
20 **ballot form not later than five (5) days after the member receives**
21 **the information concerning the election ballot.**

22 (b) **The petition must specify the manner in which the election**
23 **ballot does not comply with the requirements of this chapter or is**
24 **not in the form required by law, including a reference by citation**
25 **to the specific statutory requirement involved.**

26 (c) **The county election board member who files a petition under**
27 **subsection (a) shall serve a copy of the petition upon the other**
28 **members of the county election board and the circuit court clerk,**
29 **if the clerk is not a member of the county election board, at the**
30 **time the petition is filed with the commission.**

31 (d) **Upon receipt of a petition filed under subsection (a), the**
32 **commission shall make an investigation in accordance with**
33 **IC 3-6-4.1-21(b).**

34 (e) **If the commission determines there is substantive reason to**
35 **believe that the election ballot does not comply with the**
36 **requirements of this chapter or is not in the form required by law,**
37 **the commission shall afford due notice and hold a hearing under**
38 **IC 3-6-4.1-25.**

(f) If, after the hearing, the commission determines that the ballot fails to comply with one (1) or more of the requirements of this chapter or is otherwise not in the form required by law, the commission shall take the action it considers appropriate under IC 3-6-4.1-21(c).".

Page 8, between lines 14 and 15, begin a new paragraph and insert:

"SECTION 18. IC 3-11-8-4.3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 4.3. If a precinct contains less than two hundred fifty (250) active voters, The county executive may locate the polls for the precinct at the polls for an adjoining precinct, using the precinct election board of the adjoining precinct, if the county election board, by unanimous vote, determines there is an insufficient number of active voters in a precinct to require a separate precinct election board.".

Page 8, line 28, delete "numbers" and insert "number".

Page 9, line 25, delete "numbers" and insert "number".

Page 10, between lines 2 and 3, begin a new paragraph and insert:

"SECTION 23. IC 3-13-1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 2. A candidate vacancy that exists on a primary election ballot may not be filled for the primary election. The resulting vacancy on the following general or municipal election ballot may be filled in the manner prescribed by this chapter, but only if it is filled by noon August + June 30 before election day.

SECTION 24. IC 3-13-1-7, AS AMENDED BY P.L.176-1999, SECTION 113, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 7. (a) Except as provided in subsection (c); (b), action to fill a candidate vacancy for an office for which a declaration of candidacy must be filed with the secretary of state under IC 3-8-2-5 must be taken:

(1) before not later than noon thirty-five (35) days June 30 after the primary election if the vacancy exists on a general or municipal election ballot; and

(2) within thirty (30) days after the occurrence of the vacancy, if the vacancy exists on a special election ballot, subject to section 2 of this chapter.

(b) Except as provided in subsection (c); action to fill a candidate vacancy not described in subsection (a); must be taken:

(+) before noon August +, if the vacancy exists on a general or

~~municipal election ballot; and~~

~~(2) within thirty (30) days after the occurrence of the vacancy; if the vacancy exists on a special election ballot, subject to section 2 of this chapter.~~

(c) (b) This subsection applies to a candidate vacancy that exists before the thirtieth day before a general, municipal, or special election and that is due to any of the following:

(1) The death of a candidate.

(2) The withdrawal of a candidate.

(3) The disqualification of a candidate under IC 3-8-1-5. ~~or~~

(4) A court order issued under IC 3-8-7-29(d).

~~before the thirtieth day before a general, municipal, or special election.~~

Action to fill a candidate vacancy under section 3, 4, 5, or 6 of this chapter for reasons permitted under this subsection must be taken within thirty (30) days after the occurrence of the vacancy.

SECTION 25. IC 3-13-1-15, AS AMENDED BY P.L.202-1999, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 15. (a) A county chairman filling a candidate vacancy under section 6(a)(2) of this chapter or the chairman of a meeting filling a candidate vacancy under this chapter shall file a written certificate of candidate selection on a form prescribed by the commission stating the following information for each candidate selected:

(1) The name of each candidate as:

(A) the candidate wants the candidate's name to appear on the ballot; and

(B) the candidate's name is permitted to appear on the ballot under IC 3-5-7.

(2) The address of each candidate.

(b) The certificate shall be filed with:

(1) the election division for:

(A) a committee acting under section 3, 4, 5, or 6(b) of this chapter; or

(B) a committee acting under section 6(a) of this chapter to fill a candidate vacancy in the office of judge of a circuit, superior, probate, county, or small claims court or prosecuting attorney; or

(2) the circuit court clerk, for a committee acting under section

1 6(a) of this chapter to fill a candidate vacancy for a local office
2 not described in subdivision (1).

3 (c) This subsection applies to a candidate vacancy resulting from a
4 vacancy on the primary election ballot as described in section 2 of this
5 chapter. The certificate required by subsection (a) shall be filed not
6 later than noon ~~August 4~~, **July 3** before election day.

7 (d) This subsection applies to all candidate vacancies not described
8 by subsection (c). The certificate required by subsection (a) shall be
9 filed not more than three (3) days (excluding Saturdays and Sundays)
10 after selection of the candidates."

11 Page 10, delete lines 3 through 42.

12 Page 11, delete lines 1 through 2, begin a new paragraph and insert:

13 "SECTION 26. IC 3-13-1-20 IS AMENDED TO READ AS
14 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 20. (a) This section
15 applies to a political party subject to IC 3-8-4-10.

16 (b) A candidate vacancy that exists following the convention of the
17 party shall be filled by the state committee of the political party **not**
18 **later than noon June 30 before election day.** The chairman of the
19 state committee shall act in accordance with section 15 of this chapter
20 to certify the candidate selected to fill the vacancy.

21 (c) This subsection applies to a candidate vacancy resulting from a
22 vacancy on the general election ballot resulting from the failure of the
23 convention to nominate a candidate for an office. The certificate
24 required by subsection (b) shall be filed not later than noon ~~August 4~~,
25 **July 3** before election day.

26 (d) This subsection applies to all candidate vacancies not described
27 by subsection (c). The certificate required by subsection (b) shall be
28 filed not more than three (3) days (excluding Saturdays and Sundays)
29 after selection of the candidates."

- 1 Page 11, after line 27, begin a new paragraph and insert:
- 2 "SECTION 28. **An emergency is declared for this act.**".
- 3 Renumber all SECTIONS consecutively.
(Reference is to HB 1195 as printed February 22, 2001.)

and when so amended that said bill do pass.

Committee Vote: Yeas 7, Nays 0.

Landske

Chairperson